

Feb 2, 1993

Outline of Presentation to
River Commissioners and Water Users
Regarding Sluicing of Diversion Structures and Dams
by Mike Reichert, Dept. of Environ. Quality

Purpose of Discussion -

Relay concerns with potential water quality impacts and resulting impairment to designated beneficial uses. Two fish kills in 1992: one on Logan River and Jordan River.

Discussion Points

- 1) Not DEQ intention to regulate this activity (however the COE will). It could be argued that such operations could be regulated under the NPDES program. We have not taken this position, however. Our permit would probably look like the COE permit, and would be at best duplicative and redundant. We are in agreement that it is best regulated by COE.
- 2) However there is a law (Water Quality Act 19-5-102) against "Pollution" meaning "... any man-made or man-induced alteration of the chemical, physical or biological integrity of any waters of the state..." and 19-5-107 states in part "... it is unlawful for any person to... cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish, or aquatic life, or impairs domestic, agricultural, industrial, recreational or other beneficial uses of water,...."

Utah Administrative Code R317-2- Standards of Quality for Waters of the State says in part 7.2 "It shall be unlawful and a violation of these regulations for any person to ... cause conditions which ... produce undesirable aquatic life or ... result in concentrations or combinations of substances which produce undesirable physiological responses in resident fish or other desirable aquatic life ..."

- 3) DEQ will not be water cops
- 4) We can enforce against complaints, but it is very difficult to do. If we reach that point we have all lost.
- 5) A few suggestions were made for you to consider in managing your diversion dams and structures to minimize potential downstream water quality and resource impacts. You know better than we how to manage your diversions. We would like your ideas and recommendations as we prepare the hydrologic modification component of the State Nonpoint Source Management Plan. Please send your ideas to Michael Reichert, Division of Water Quality.
- 6) Thank you for this chance to meet and discuss this topic.

Questions?
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